

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

DERRICK ANTHONY MOORE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 1:12-cv-81 (WLS)
	:	
Dr. AIKENS and	:	
ELAINE HUTTO,	:	
	:	
Defendants.	:	
_____	:	

ORDER

Before the Court is Plaintiff Derrick Anthony Moore's Motion for Reconsideration. (Doc. 38.) Moore seeks relief from judgment under Federal Rule of Civil Procedure 60 on the ground that he now has evidence that the administrative grievance procedure is unavailable at Autry State Prison. The instant motion is Moore's fourth motion for reconsideration.

Under Federal Rule of Civil Procedure 60, a court may relieve a party from final judgment for, among other reasons, mistake, newly discovered evidence, or "any other reason that justifies relief." Fed. R. Civ. P. 60(b). Moore apparently moves for relief under Rule 60(b)(2), which provides relief for "newly discovered evidence that, with reasonable diligence, could not have been discovered" earlier. Fed. R. Civ. P. 60(b)(2). The Eleventh Circuit has held that a movant under Rule 60(b)(2) must show that (1) the evidence was newly discovered, (2) he exercised due diligence to discover the new evidence, (3) the evidence is not merely cumulative or impeaching, (4) the evidence is material, and (5) the evidence must be such that reconsideration of the final judgment would probably produce a new result. *In re Consorcio Ecuatoriano de Telecomunicaciones*

For those reasons, Moore's motion (Doc. 38) is **DENIED**.

/s/ W. Louis Sands
W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT